

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

FROM: 07480408
 TO:
 SUBJECT: Kenner 13-cr-607(JFB)
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 ★ APR 15 2019 ★

April 11, 2019

LONG ISLAND OFFICE

The Honorable Magistrate Brown:

Your Honor, I am a party to the upcoming hearing between the government and the Diamante Cabo san Lucas members that are concerned about the potential forfeiture and ramifications in my case. I am a member of the largest shareholder in the Diamante project; Baja Ventures 2006, LLC. My two (2) partners -- who are NOT alleged victims in my indictment -- contributed \$4.1 million of the \$6,625,000 of closing cash in March 2006. My other investors, who have been almost two (2) decade-long victims (along with me) of Ken Jowdy and his attorneys contributed \$2.3 million. Collectively, and as expected when we transferred the funds to the Jowdy-controlled accounts, over 95% of the closing capital came from my partners. None of the funds in the closing capital accounts can be traced to any "ill-gotten" gains in my case; if in fact any at all are proven in the upcoming Fatico hearing. Nevertheless, additionally, Ken Jowdy admitted in a December 2010 Nevada trial that he stole \$500,000 (supported by his own accounting records in evidence) from another friend of mine (also not a victim in my indictment) and used it for the Cabo capital account contributions. There are tens of millions more that Ken Jowdy and his cabal have diverted and embezzled over the years, all documented in government bank records in my case; and specifically none to me. This is the basis for the conference in front of Your Honor in the coming days. Jowdy is not, and has never been, named a co-conspirator of mine; nor is he.

As the representatives of the largest shareholder entity (Baja Ventures 2006), I would request that your clerk (or whomever makes the arrangements) contact the US Marshalls and transport me to your court for the hearing. My partners are from Europe, cannot attend, and stand to potentially be the largest victims of all, if there is a forfeiture granted for our LLC with "no nexus" to any alleged crime in my case (with no "ill-gotten" gains received by me). We have been fighting as a collective investor group versus Jowdy and his well-connected government cabal since my discovery of his embezzlements and racketeering efforts in early 2007. We have been met with an uncooperative FBI and DOJ, who appear to have a different standard of justice that oversees Jowdy's FBI-connected ongoing criminal enterprise.

I would appreciate the opportunity to join in the discussions as a victim of Ken Jowdy's since 2002, where he has stolen over \$20 million cash from me and my investors (all documented and being systematically ignored by the FBI case agents -- who pursued me with passion to protect Jowdy, immediately following my whistleblower proffer on June 24, 2009). In an effort to explore the potential solutions to this criminal activity, my insight may be valuable to the Court. As such, I have attached two (2) letters that I submitted to my Court on March 5, 2019 after my ProSe oral arguments for forfeiture. The Jowdy letter will provide your court with insight into the criminal conspiracy that includes the European lending Bank (Danske) and Jowdy's "hip-pocket" control of them. The second (2nd) letter [John Kaiser] will provide your Court with insight into a turncoat who Jowdy paid off in 2012 to work as a co-conspirator (admitted by Kaiser in his shocking Document 628 on my case docket) against all of the investors with Jowdy's promise of a huge salary (working for Jowdy tax-free "somehow") and a conspiratorial effort with Jowdy to steal my Baja Ventures equity with another falsified and forged document (a documented specialty of Kaiser and Jowdy since 2005).

I look forward to providing any additional insight into the settlement process, in the event the District Court concludes that some appropriate and forfeitable nexus exists and the US-based LLC interests need to be forfeited at this time.

Respectfully yours,

Phil Kenner 07480-408
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EDNY PRO SE OFFICE